

EXHIBIT 4-2

Attorneys' Eyes Only

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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ORACLE AMERICA, INC.,)
Plaintiff,)
vs.) No. CV 10-03561 WHA
GOOGLE, INC.,)
Defendant.)
_____)

CONFIDENTIAL TESTIMONY - ATTORNEYS' EYES ONLY

VIDEOTAPED 30(b)(6) DEPOSITION OF ORACLE AMERICA, INC.

DESIGNEE: JOHN PAMPUCH

FRIDAY, JULY 29, 2011

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1 Let's move on to the next -- the third 2:13:09PM
2 topic that you were designated to testify about
3 today. And again --

4 A Sure.

5 Q -- we may jump back to these previous two 2:13:16PM
6 topics and ask, you know, some questions or to the
7 extent that there is, you know, relevant questions
8 that overlaps between the different topics.

9 MR. FRANCIS: So I'll identify as
10 Exhibit 273 Defendant Google, Inc.'s Corrected Third 2:13:32PM
11 Notice of Rule 30(b)(6) Deposition of Plaintiff
12 Oracle America, Inc.

13 (Defendant's Exhibit 273 marked
14 for identification.)

15 BY MR. FRANCIS: 2:13:47PM

16 Q And if we look at Topic Number 9 on
17 page 3, it states:

18 "The practice of the asserted
19 claims of U.S. Patent No. 5,966,702
20 by JavaOS (including the 2:14:13PM
21 identification of the specific
22 functionality within JavaOS
23 practicing the claims, the date of
24 the first inclusion of that
25 functionality in JavaOS, and any 2:14:25PM

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1 public disclosure(s), license(s), 2:14:27PM
2 sale(s), or offer(s) to license or
3 sell of JavaOS before October 31,
4 1996)."

5 Is that correct? 2:14:37PM

6 A That's what it says.

7 Q Do you recognize this document?

8 A Yes, I have seen this.

9 Q When did you see this?

10 A Yesterday. 2:14:46PM

11 Q For the first time yesterday?

12 A Yes.

13 Q Are you prepared to testify on this topic?

14 A I can testify about the implementation of

15 the mclass technology in JavaOS and I can talk to 2:15:01PM

16 the dates that that technology became available.

17 Q Can you talk about the actual asserted
18 claims of the patent, as opposed to just the general
19 technology?

20 A I've never seen the patent, and I 2:15:25PM
21 certainly don't have the expertise to analyze the
22 patent.

23 Q Can you testify regarding any public
24 disclosures of JavaOS before October 31, 1996?

25 A No, not significantly, because I'm not 2:15:53PM

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1 A For this topic, no. I only reviewed the 2:22:35PM
2 source code myself.

3 Q What about for any other topics?

4 A Hinkmond Wong I think worked on JavaOS,
5 and we talked about recovery of the files. 2:22:49PM

6 Q But you didn't discuss this topic with
7 him?

8 A Not the implementation, no.

9 Q Why not?

10 A I didn't think it was necessary. I had -- 2:23:02PM
11 you know, the source code is self-explanatory.

12 Q Do you know if Hinkmond is familiar with
13 the '702 patent?

14 A I don't know whether he's familiar with it
15 or not. 2:23:22PM

16 Q You testified that you have never seen the
17 '702 patent; is that correct?

18 A That's correct.

19 Q So how are you prepared to testify about
20 the practice of the '702 patent by JavaOS if you 2:23:40PM
21 have never actually seen the patent?

22 A Well, as I said, I can talk about the
23 implementation that's in JavaOS 1.1.

24 Q But the topic doesn't ask about the
25 implementation of JavaOS, it asks for -- it asks 2:24:01PM

CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 STATE OF CALIFORNIA)
) :ss

2 COUNTY OF SAN FRANCISCO)
3

4 I, KELLI COMBS, CSR NO. 7705, a Certified Shorthand
5 Reporter of the State of California, do hereby certify:

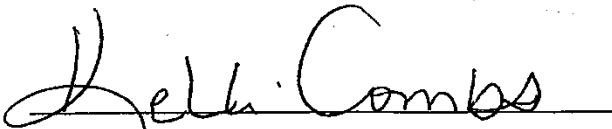
6 That the foregoing proceedings were taken before me
7 at the time and place herein set forth; that any
8 witnesses in the foregoing proceedings, prior to
9 testifying, were placed under oath; that the verbatim
10 record of the proceedings was made by me using machine
11 shorthand which was thereafter transcribed under my
12 direction; further, that the foregoing is an accurate
13 transcription thereof.

14 I further certify that I am neither financially
15 interested in the action nor a relative or employee of
16 any attorney of any of the parties.

17 IN WITNESS WHEREOF, I have this date subscribed my
18 name.

19
20 Dated: July 30, 2011

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KELLI COMBS, CSR NO. 7705

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